

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-11938-JLT  
Internal Use Only**

Stevens v. Howland et al

Assigned to: Judge Joseph L. Tauro

Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 09/03/2004

Date Terminated: 05/08/2007

Jury Demand: Defendant

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

**Plaintiff**

**William G. Stevens**

represented by **William G. Stevens**  
Mass Treatment Center  
30 Administration Rd.  
Bridgewater, MA 02324  
PRO SE

V.

**Defendant**

**Robert Howland**

represented by **Richard C. McFarland**  
Department of Correction  
70 Franklin Street  
Suite 600  
Boston, MA 02110  
617-727-3300 X 132  
Fax: 617-727-7403  
Email: rcmcfarland@doc.state.ma.us  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Joseph Murphy**

represented by **Richard C. McFarland**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Superintendent Robert Murphy**

represented by **Richard C. McFarland**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

Kathleen Dennehy

represented by **Richard C. McFarland**  
(See above for address)  
ATTORNEY TO BE NOTICED**Defendant****Massachusetts Department of Corrections**represented by **Richard C. McFarland**  
(See above for address)  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/03/2004	①	COMPLAINT , filed by William G. Stevens.(Abaid, Kim) (Entered: 09/07/2004)
09/03/2004	②	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Abaid, Kim) (Entered: 09/07/2004)
09/03/2004	③	MOTION for Leave to Proceed in forma pauperis by William G. Stevens.(Abaid, Kim) (Entered: 09/07/2004)
10/12/2004	④	Judge Joseph L. Tauro : ORDER entered granting <u>2</u> Motion for Leave to Proceed in forma pauperis. The Clerk shall issue summonses as to defendants Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy; and the United States Marshal shall serve a copy of the complaint, summons and this order upon defendant(s) as directed by the plaintiff with all costs of service to be advanced by the United States. Plaintiff's claims shall be dismissed pursuant to 28 U.S.C. section 1915(e)(2) without further notice as to defendant Massachusetts Department of Correction. (Morse, Barbara) (Entered: 10/13/2004)
10/12/2004	⑤	Judge Joseph L. Tauro : MEMORANDUM entered. Plaintiff shall file a signed copy of the complaint within forty-two days of the date of this Memorandum and Order or this action will be dismissed without prejudice. Plaintiff's claims against the Department of Correction are dismissed based on Eleventh Amendment immunity. Memorandum mailed to plaintiff with copy of the original complaint. (Morse, Barbara) (Entered: 10/13/2004)
10/13/2004	⑥	Set Deadlines/Hearings: Filing of complaint with plaintiff's signature due by 11/23/2004. (Morse, Barbara) (Entered: 10/13/2004)
10/13/2004	⑦	Summons Issued as to Kathleen Dennehy, Robert Howland, Joseph Murphy, Robert Murphy. (Morse, Barbara) (Entered: 10/13/2004)
10/20/2004	⑧	Signed Copy of Complaint filed as Ordered on October 12, 2004 by William G. Stevens. (Abaid, Kim) (Entered: 10/21/2004)
11/24/2004	⑨	US Marshal Process Receipt and Return for Civil Summons. Kathleen Dennehy served Delivered on November 18, 2004 . (Abaid, Kim) (Entered:

		11/30/2004)
11/29/2004	⑨	SUMMONS Returned Executed Joseph Murphy served on 10/19/2004, answer due 11/8/2004. (Abaid, Kim) (Entered: 11/30/2004)
11/29/2004	⑩	SUMMONS Returned Executed Robert Howland served on 10/19/2004, answer due 11/8/2004. (Abaid, Kim) (Entered: 11/30/2004)
11/29/2004	⑪	SUMMONS Returned Executed Robert Murphy served on 10/20/2004, answer due 11/9/2004. (Abaid, Kim) (Entered: 11/30/2004)
11/30/2004	⑦	MOTION for Extension of Time to 12/22/2004 to File Answer by Kathleen Dennehy, Robert Howland, Massachusetts Department of Corrections, Joseph Murphy, Robert Murphy.(McFarland, Richard) (Entered: 11/30/2004)
11/30/2004	⑧	CERTIFICATE OF SERVICE by Kathleen Dennehy, Robert Howland, Massachusetts Department of Corrections, Joseph Murphy, Robert Murphy re <u>7</u> MOTION for Extension of Time to 12/22/2004 to File Answer. (McFarland, Riehard) (Entered: 11/30/2004)
12/01/2004	⑩	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>7</u> Motion for Extension of Time (Abaid, Kim) (Entered: 12/02/2004)
12/03/2004	⑫	MOTION to Amend <u>1</u> Complaint by William G. Stevens. (Attachments: # <u>1</u> Proposed Amended Complaint# <u>2</u> Proposed Amended Complaint Continued)(Abaid, Kim) (Entered: 12/06/2004)
12/08/2004	⑬	ANSWER to Complaint with Jury Demand by Kathleen Dennehy, Robert Howland, Massachusetts Department of Corrections, Joseph Murphy, Robert Murphy.(McFarland, Richard) (Entered: 12/08/2004)
12/13/2004	⑭	Opposition re <u>12</u> MOTION to Amend <u>1</u> Complaint filed by Kathleen Dennehy, Robert Howland, Massachusetts Department of Corrections, Joseph Murphy, Robert Murphy. (McFarland, Richard) (Entered: 12/13/2004)
12/13/2004	⑮	MEMORANDUM in Opposition re <u>12</u> MOTION to Amend <u>1</u> Complaint filed by Kathleen Dennehy, Robert Howland, Massachusetts Department of Corrections, Joseph Murphy, Robert Murphy. (McFarland, Richard) (Entered: 12/13/2004)
01/04/2005	⑯	MOTION for Leave to File a Reply Memorandum to the Defendants' Memorandum in Opposition to the Motion to Amend by William G. Stevens.(Abaid, Kim) (Entered: 01/04/2005)
03/14/2005	⑰	Letter re: Scheduling Order from William G. Stevens. (Abaid, Kim) (Entered: 03/15/2005)
06/28/2005	⑩	Judge Joseph L. Tauro : Electronic ORDER entered denying <u>12</u> Motion to Amend, denying <u>16</u> Motion for Leave to File (Abaid, Kim) (Entered: 06/29/2005)

08/19/2005	①8	MOTION to Compel by William G. Stevens.(Abaid, Kim) (Entered: 08/22/2005)
08/19/2005	①9	AFFIDAVIT in Support re ⑧ MOTION to Compel. (Attachments: # ① Exhibit)(Abaid, Kim) (Entered: 08/22/2005)
09/08/2005	①20	MOTION to Compel the Massachusetts Department of Correction to Provide Photo Copies of Legal Documents and Legal Publications by William G. Stevens.(Abaid, Kim) (Entered: 09/12/2005)
09/15/2005	①21	Judge Joseph L. Tauro : ORDER entered. REFERRING CASE to Magistrate Judge Judith G. Dein Referred for: Case Management and Report and Recommendations on any Dispositive Motions(Abaid, Kim) (Entered: 09/15/2005)
09/19/2005	①22	Opposition re ⑧ MOTION to Compel <i>Department of Correction to Provide Photocopies of Legal Documents and Legal Publications</i> filed by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections. (McFarland, Richard) (Entered: 09/19/2005)
09/19/2005	①23	MEMORANDUM in Opposition re ⑧ MOTION to Compel <i>Department of Correction to Provide Photocopies of Legal Documents and Legal Publications</i> filed by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections. (Attachments: # ① Affidavit # ② Exhibit)(McFarland, Richard) (Entered: 09/19/2005)
09/19/2005	①24	CERTIFICATE OF SERVICE by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections re ⑧ Opposition to Motion, ⑧ Memorandum in Opposition to Motion, (McFarland, Richard) (Entered: 09/19/2005)
09/20/2005	①25	Judge Judith G. Dein: SCHEDULING ORDER entered. Written discovery to be served by 10/20/05; all other discovery filed by 12/23/05 and completed by 2/3/06; defendant to file mtn/summary judgment by 3/3/06; plaintiff's opposition due 3/31/06; defendant's reply due 4/14/06.(Irwin, Nancy) (Entered: 09/20/2005)
09/20/2005	①	Judge Judith G. Dein: Electronic ORDER entered denying ⑧ Motion to Compel (Irwin, Nancy) (Entered: 09/20/2005)
10/03/2005	①26	MOTION for Leave to File A Reply Affidavit by William G. Stevens. (Attachments: # ① Proposed Affidavit# ② Exhibits to Affidavit# ③ Exhibits Continued)(Abaid, Kim) (Entered: 10/03/2005)
10/06/2005	①	Judge Judith G. Dein : Electronic ORDER entered granting ⑧ Plaintiff's Motion for Leave to File Reply Affidavit. (Dambrosio, Jolyn) (Entered: 10/06/2005)
10/06/2005	①27	AFFIDAVIT by William G. Stevens. (Attachments: # ① Exhibit Part 1# ② Exhibit Part 2)(Abaid, Kim) (Entered: 10/07/2005)

12/16/2005	②8	MOTION for Discovery - <i>Leave to Depose Inmate/Plaintiff</i> by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections.(McFarland, Richard) (Entered: 12/16/2005)
12/19/2005	②	Judge Judith G. Dein : Electronic ORDER entered granting <u>28</u> Defendant's Motion for Leave to Depose Inmate/Plaintiff. (Dambrosio, Jolyne) (Entered: 12/19/2005)
01/27/2006	②9	MOTION for Extension of Time to April 3, 2006 to Complete Discovery by William G. Stevens.(Abaid, Kim) (Entered: 01/30/2006)
01/31/2006	②	Judge Judith G. Dein : Electronic ORDER entered granting <u>29</u> Motion for Extension of Time. Discovery to be completed by 4/3/2006. Motions for summary judgment due by 5/3/2006. (Dambrosio, Jolyne) (Entered: 01/31/2006)
03/15/2006	③0	Judge Judith G. Dein : ORDER entered denying without prejudice <u>20</u> Plaintiff's Motion to Compel. (Dambrosio, Jolyne) (Entered: 03/15/2006)
04/28/2006	③1	MOTION for Extension of Time to June 30, 2006 to File Motion for Summary Judgment by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections.(McFarland, Richard) (Entered: 04/28/2006)
05/01/2006	②	Judge Judith G. Dein : Electronic ORDER entered granting <u>31</u> Defendants' Motion for Extension of Time to 6/30/06 to File Motion for Summary Judgment. (Dambrosio, Jolyne) (Entered: 05/01/2006)
06/07/2006	③2	MOTION for Funds to Transcribe Oral Depositions by William G. Stevens.(Abaid, Kim) (Entered: 06/07/2006)
06/14/2006	②	Judge Judith G. Dein : Electronic ORDER entered denying <u>32</u> Plaintiff's Motion for Funds to Transcribe Oral Depositions provided, however, that if the defendants have obtained transcripts, the defendants shall make the transcripts available for review by the plaintiff at a mutually agreed upon time. (Dambrosio, Jolyne) (Entered: 06/14/2006)
06/29/2006	③3	MOTION for Extension of Time to 8/30/06 to file summary judgment motion by Robert Howland, Joseph Murphy, Robert Murphy, Kathleen Dennehy, Massachusetts Department of Corrections.(McFarland, Riehard) (Entered: 06/29/2006)
06/30/2006	②	Judge Judith G. Dein : Electronic ORDER entered granting <u>33</u> Defendants' Assented To Motion for Extension of Time to 8/30/06 to File Summary Judgment Motions. (Dambrosio, Jolyne) (Entered: 06/30/2006)
07/21/2006	③4	MOTION for Summary Judgment by William G. Stevens.(Abaid, Kim) (Entered: 07/24/2006)
07/21/2006	③5	MEMORANDUM in Support re <u>34</u> MOTION for Summary Judgment filed by William G. Stevens. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4)(Abaid, Kim) (Entered: 07/24/2006)

08/30/2006	③6	MOTION for Summary Judgment by all defendants.(McFarland, Richard) (Entered: 08/30/2006)
08/30/2006	③7	MEMORANDUM in Support re <u>36</u> MOTION for Summary Judgment filed by all defendants. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit # <u>12</u> Exhibit)(McFarland, Richard) (Entered: 08/30/2006)
08/30/2006	③8	MOTION for Leave to File Excess Pages by all defendants.(McFarland, Richard) (Entered: 08/30/2006)
08/31/2006	③	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>38</u> Motion for Leave to File Excess Pages (Abaid, Kim) (Entered: 08/31/2006)
10/02/2006	③9	MOTION for Extension of Time to October 27, 2006 to Respond to the Cross Motion for Summary Judgment by William G. Stevens.(Abaid, Kim) (Entered: 10/03/2006)
10/04/2006	③	Judge Judith G. Dein : Electronic ORDER entered granting <u>39</u> Plaintiff's Motion for Extension of Time to 10/27/06 to Respond to Cross Motion for Summary Judgment. (Dambrosio, Jolyne) (Entered: 10/04/2006)
10/31/2006	④0	MOTION for Leave to File Excess Pages by William G. Stevens.(Abaid, Kim) (Entered: 10/31/2006)
10/31/2006	④1	MEMORANDUM in Opposition re <u>36</u> MOTION for Summary Judgment filed by William G. Stevens. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7# <u>8</u> Exhibit 8# <u>9</u> Exhibit 9# <u>10</u> Exhibit 10# <u>11</u> Exhibit 11# <u>12</u> Exhibit 12# <u>13</u> Exhibit 13)(Abaid, Kim) (Entered: 10/31/2006)
11/01/2006	③	Judge Judith G. Dein : Electronic ORDER entered granting <u>40</u> Plaintiff's Motion for Leave to File Excess Pages. (Dambrosio, Jolyne) (Entered: 11/01/2006)
01/08/2007	③	ELECTRONIC NOTICE of Hearing on Motion <u>36</u> & <u>34</u> CROSS-MOTIONS for Summary Judgment: Motion Hearing set for 1/26/2007 02:30 PM in Courtroom 15 before Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) Modified on 1/8/2007 to change year from 2006 to 2007. (Dambrosio, Jolyne). (Entered: 01/08/2007)
01/26/2007	③	Clerk's Notes for proceedings held before Judge Judith G. Dein : Motion Hearing held on 1/26/2007 re <u>36</u> MOTION for Summary Judgment filed by Joseph Murphy,, Kathleen Dennehy,, Massachusetts Department of Corrections,, Robert Howland,, Robert Murphy,, <u>34</u> MOTION for Summary Judgment filed by William G. Stevens,. USMJ Dein bears arguments from Attorney McFarland and Pro Se Stevens and takes the matters under advisement. (Court Reporter DR.) (Quinn, Thomas) (Entered: 01/31/2007)
03/29/2007	④2	Judge Judith G. Dein : ORDER entered. REPORT AND RECOMMENDATIONS re <u>34</u> Plaintiff's MOTION for Summary Judgment

		and <u>36</u> Defendants' MOTION for Summary Judgment. Recommendation: that the Plaintiff's Motion be denied and that the Defendants' Motion be allowed with respect to all federal law claims. Objections to R&R due by 4/12/2007. (Dambrosio, Jolyne) (Entered: 03/29/2007)
03/29/2007	②	Case no longer referred to Magistrate Judge Judith G. Dein. (Dambrosio, Jolyne) (Entered: 03/29/2007)
04/10/2007	③ 43	OBJECTION to <u>42</u> Report and Recommendations filed by William G. Stevens. (Abaid, Kim) (Entered: 04/10/2007)
05/08/2007	③ 44	Judge Joseph L. Tauro : ORDER entered. The March 29, 2007 Report and Recommendations of USMJ Dein <u>42</u> is ACCEPTED AND ADOPTED. <u>34</u> Plaintiff's Motion for Summary Judgment is DENIED. [356] Defendants' Motion for Summary Judgment is ALLOWED with respect to all federal claims, as alleged in Counts I, II and VI. These counts are DISMISSED WITH PREJUDICES. This court declines to exercise jurisdiction over the remaining state law claims. The case is CLOSED.(Abaid, Kimberly) (Entered: 05/09/2007)
05/17/2007	③ 45	NOTICE OF APPEAL as to <u>44</u> Order Adopting Report and Recommendations, by William G. Stevens NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 6/6/2007. (Abaid, Kimberly) (Entered: 05/17/2007)
05/17/2007	③ 46	MOTION to Appoint Appellate Counsel by William G. Stevens.(Abaid, Kimberly) (Entered: 05/17/2007)